

1
2
3
4
5 **UNITED STATES DISTRICT COURT**

6 **DISTRICT OF NEVADA**

7
8 TRUSTEES OF THE BRICKLAYERS &) 2:10-cv-00767-HDM-PAL
9 ALLIED CRAFTWORKERS LOCAL 13)
10 DEFINED CONTRIBUTION PENSION)
11 TRUST FOR SOUTHERN NEVADA,) ORDER
12 TRUSTEES OF THE BRICKLAYERS &)
13 ALLIED CRAFTWORKERS LOCAL 13)
14 HEALTH BENEFITS FUND, TRUSTEES OF)
15 THE BRICKLAYERS & ALLIED)
16 CRAFTWORKERS LOCAL 13 VACATION)
17 FUND, BRICKLAYERS & ALLIED)
18 CRAFTWORKERS LOCAL 13 NEVADA,)
19 TRUSTEES OF THE BRICKLAYERS &)
20 TROWEL TRADES INTERNATIONAL)
21 PENSION FUND, TRUSTEES OF THE)
22 BRICKLAYERS & TROWEL TRADES)
23 INTERNATIONAL HEALTH FUND, and)
24 TRUSTEES OF THE INTERNATIONAL)
25 MASONRY INSTITUTE,)
26)
27 Plaintiffs,)
28 vs.)
GRANITE WORKS, INC., and JON)
CANJA,)
Defendants.)

22
23 On July 26, 2011, the court entered its order granting in
24 part, denying in part, and reserving in part on the plaintiffs'
25 motion for default judgment against defendant Jon Canja. The court
26 granted the motion as to unpaid employee contributions and denied
27 the motion as to the unpaid employer contributions for the
28 International Health Fund, the International Pension Fund, and the

1 Pension Trust. The court reserved its decision as to the unpaid
2 employer contributions for the Vacation Trust, the Health Benefits
3 Fund, and the Masonry Trust and allowed the plaintiffs a final
4 opportunity to supplement their motion. The court's order
5 specifically directed plaintiffs to supplement their motion both as
6 to the amounts of unpaid employer contributions for those three
7 trust funds as well as to the factual basis supporting its
8 assertion that Canja exercised fiduciary control over the unpaid
9 employer contributions to those funds. In particular, the court's
10 order stated: "The failure to file a supplement and provide
11 evidence of Canja's fiduciary function will result in a denial of
12 the motion for default judgment as to all unpaid employer
13 contributions." (Doc. #42 at 12). The supplement was ordered to
14 be filed on or before August 16, 2011.

15 On August 16, 2011, plaintiffs filed their second supplemental
16 brief regarding Canja's liability (#48). The supplement addresses
17 only the amount of unpaid employer contributions and does not
18 provide any evidence or argument as to Canja's fiduciary role with
19 respect to those contributions. Accordingly, for the reasons set
20 forth in the prior order of this court, plaintiffs' motion for
21 default judgment against Canja as to unpaid employer contributions
22 is hereby **DENIED**.

23 **IT IS SO ORDERED.**

24 DATED: This 23rd day of August, 2011.

25 

26 UNITED STATES DISTRICT JUDGE
27
28